

REMARKS

These remarks are directed to the final office action mailed April 1, 2009, setting a three month shortened statutory period for response which expired on July 1, 2009. A one month extension request and required fee authorization accompanies this response to reset the period so as to expire on August 1, 2009. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the following remarks. Claims 69, 71-80 and 82-83 are pending.

Claim Rejections under 35 USC § 102 and § 103

Claims 69, 71-80 and 82-83 have been rejected under 35 USC § 102(e) and § 103(a) as being unpatentable over newly cited reference McBean et al. (US Patent No. 7,396,337) in view of Meyer (US Patent No. 5,012,820), in view of Grove et al. (US Patent No. 6,010,468), and further in view of Wood et al. (US Pub. No. 2002/0143277).

Applicant has submitted a declaration pursuant to 37 CFR § 1.131 to establish invention of the subject matter of the rejected claims prior to the effective date of November 21, 2002 of the McBean et al. reference.

The Examiner had also previously indicated on page 3 of the November 7, 2008 office action that the pending claims 69, 71-80 and 82-83 were allowable over Meyer, Grove et al., and Wood et al. if the claims were amended as suggested by the Examiner.

Since McBean et al. does not qualify as prior art under 35 USC § 102(e), Applicant respectfully submits that pending claims 69, 71-80 and 82-83, which were amended as suggested by the Examiner in the office action response filed January 30, 2009, are now in proper condition for allowance.


Conclusion

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicants' undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058482-010101 is referred to when charging any payments or credits for this case.

Respectfully submitted,

Date: July 27 2009


Christopher Darrow
Reg. No. 30,166

GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
Fax: (310) 586-7800
E-mail: laipmail@gtlaw.com
LA 128,102,601v1